

ESTTA Tracking number: **ESTTA445085**

Filing date: **12/07/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	E-Z Crafts L.L.C.		
Entity	Corporation	Citizenship	TN
Address	2354 Chapman Highway Knoxville, TN 37876 UNITED STATES		

Attorney information	Keith Scala Myers Bradford, PLLC 2121 Ward Ct. 6th Floor Washington, DC 20037 UNITED STATES kscala@myersbradford.com Phone:2025365701
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Applicant Information

Application No	85321938	Publication date	11/08/2011
Opposition Filing Date	12/07/2011	Opposition Period Ends	12/08/2011
Applicant	Maligno, Donna M. 65 Whitman Street East Weymouth, MA 02189 UNITED STATES		

Goods/Services Affected by Opposition

Class 020. First Use: 2011/04/02 First Use In Commerce: 2011/04/17
All goods and services in the class are opposed, namely: A non-metal device for creating decorative bows comprised of a base and upright dowels

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	E-Z BOWZ		
Goods/Services	Bow-makers		

Attachments	Opposition Brief 12.7.11.pdf (4 pages)(76776 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Keith Scala/
Name	Keith Scala
Date	12/07/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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E-Z Crafts L.L.C.,)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
Donna M. Maligno,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

E-Z Crafts L.L.C., a Tennessee corporation with an address at 2354 Chapman Highway Knoxville, TN 37876, believes it will be damaged by the registration of the mark E-Z BOWZ shown in Application Serial No. 85321938, and hereby opposes the same.

Grounds for opposition are alleged as follows:

1. Opposer is now, and has for many years, been engaged in the sale of bow-makers in the United States and abroad under the trademark E-Z Bowz.
2. Opposer's use of E-Z Bowz in commerce long precedes Applicant's filing date.
3. Opposer has obtained U.S. Patent Nos. 6,000,586, 5,975,383, D389,998, 5,617,979, and D364,733 directed to bow-making devices described as having a base and one or more dowels and sold under the trade name E-Z BOWZ.
4. The application herein opposed seeks to register the mark E-Z BOWZ for "device[s] for creating decorative bows comprised of a base and upright dowels."

5. The goods in the opposed application are identical to the goods disclosed in Opposer's patents and sold under its E-Z BOWZ mark. Applicant's goods would likely be thought to have emanated from the same source as Opposer's goods, or to have been approved of or sponsored by Opposer.

6. The trademark as set forth in the application as applied to the goods set forth in that application is confusingly and deceptively similar to Opposer's previously used and currently in use E-Z BOWZ mark.

7. Opposer believes and therefore alleges that the use and registration of the alleged E-Z BOWZ mark by Applicant will damage Opposer, for the reasons among others:

- a. That purchasers and persons in the trade will be deceived as to the source and origin of Applicant's goods sold under the mark E-Z BOWZ; and
- b. Purchasers, persons in the trade, and others will assume, contrary to fact, that Applicant's goods are associated with, sponsored by, or otherwise related to Opposer.

8. Registration of the mark sought by Applicant herein is barred by the provisions of Section 2(d) of the Trademark Act of 1946 for the reason that it comprises a mark that so resembles Opposer's mark or trade name previously used in the United States as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and this Opposition be sustained.

Date: December 7, 2011

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Keith Scala", written in a cursive style.

Keith Scala
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CERTIFICATE OF SERVICE

I, Keith Scala, hereby certify that true copies of the foregoing **NOTICE OF OPPOSITON** have been mailed on this 7th day of December, 2011 by first class mail, postage pre-paid to:

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Keith Scala